

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

KEY REAL ESTATE EQUITY CAPITAL, )	
INC., )	
)	
Plaintiff/Counterclaim Defendant, )	
)	CASE NO.: 1:06 CV 0826
v. )	
)	JUDGE BOYKO
TRACY D. SUTTLES, )	
)	<u>STIPULATION OF DISMISSAL</u>
Defendant/Counterclaim Plaintiff. )	
)	
)	
)	
TRACY D. SUTTLES, )	
)	
Third Party Plaintiff, )	
)	
v. )	
)	
AMERICAN OPPORTUNITY FOR )	
HOUSING – MEADOWCREEK LLC, et )	
al., )	
)	
Third Party Defendants. )	

Plaintiff Key Real Estate Capital, Inc. (“KREEC”), Defendant Tracy D. Suttles (“Suttles”), Third-Party Defendant American Opportunity For Housing – Meadowcreek, LLC (“AOH-Meadowcreek”), Third-Party Defendant American Opportunity For Housing, Inc. (“AOH”), and Third-Party Defendant Key Bank, NA (“Key”), by and through their respective undersigned counsel, hereby enter into the following stipulation of dismissal:

1. Pursuant to Rule 41(a)(1)(ii), Fed. R. Civ. P., KREEC hereby stipulates and agrees to the voluntary dismissal of all its claims against Suttles without prejudice, subject to reinstatement only as provided for under the settlement agreement entered into between KREEC and Suttles. KREEC and Suttles are to bear their own costs.

2. Pursuant to Rule 41(a)(1)(ii), Fed. R. Civ. P., Suttles hereby stipulates and agrees to the voluntary dismissal of all his claims against KREEC and Key without prejudice, subject to reinstatement only as provided for under the settlement agreement entered into between KREEC and Suttles. KREEC, Suttles, and Key are to bear their own costs.

3. Pursuant to Rule 41(a)(1)(ii), Fed. R. Civ. P., Suttles hereby stipulates and agrees to the voluntary dismissal of all his claims against AOH-Meadowcreek and AOH with prejudice. Suttles, AOH-Meadowcreek, and AOH are to bear their own costs.

4. Pursuant to Rule 41(a)(1)(ii), Fed. R. Civ. P., AOH and AOH-Meadowcreek hereby stipulate and agree to the voluntary dismissal of all their claims against Suttles with prejudice. AOH, AOH-Meadowcreek, and Suttles are to bear their own costs.

5. Pursuant to Rule 41(a)(1)(i), Fed. R. Civ. P., AOH and AOH-Meadowcreek hereby stipulate and agree to the voluntary dismissal of all their claims against Counter-Defendants 6425 Gess Management, Inc. ("6425 Gess Management"), 6425 Gess, Ltd. ("6425 Gess Ltd"), Adams Advisors GP, LLC ("Adams Advisors"), Gessner Lenders, LP ("Gessner Lenders"), Gessner Partners Realty GP, LTD ("Gessner Partners"), and TS-Clare, Inc. ("TS-Clare") with prejudice. AOH, AOH-Meadowcreek, 6425 Gess Management, 6425 Gess Ltd, Adams Advisors, Gessner Lenders, Gessner Partners, and TS-Clare are to bear their own costs.

Respectfully submitted.

POLSINELLI SHALTON WELTE SUELTHAUS PC

By: /s/ Robert J. Edwards

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ATTORNEYS FOR KEY BANK, NA

SO ORDERED:

Christopher A. Boyko  
HONORABLE CHRISTOPHER A. BOYKO

FILED

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U.S. DISTRICT COURT, N.D.O.  
CLEVELAND